IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14768 of 2004

Between:

K. Venkaiah, S/o Lakshmaiah,
R/o Nugodapalli (v), Agiripalli (M),
Krishna District.

..... PETITIONER

AND

1 The Joint Collector of Krishna District, Chilakalapudi, Machilipatnam.
2 The Superintendent of Police, Krishna District, Machilipatnam.
3 The Deputy Superintendent of Police, Nuzividu, Krishna District.
4 The Circle Inspector, Hanuman Junction, Krishna District.
5 The Sub-Inspector of Police, Agiripalli P.S., Agiripalli, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly a writ in the nature of Mandamus by declaring the inaction of the official respondent not taking action on the basis of complaint dated 7-6-2004 of the petitioner herein as arbitrary, illegal and unconstitutional and further direct the official respondents to take action on the complaint of the petitioner as per law.

Counsel for the Petitioner :MR. Y.SUBRAHMANYAM

Counsel for the Respondents 1 to 5: GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14768 OF 2004

ORAL ORDER :

The only grievance of the petitioner is that the fifth respondent – Sub-Inspector of Police, Agiripalli P.S., Agiripalli, Krishna District, failed to take any action on the basis of the his complaint dated 07-06-2004.

The petitioner states that not only he made a complaint on 7-06-2004 in the office of the fifth respondent but a copy of the same was also submitted through the Mandal Revenue Officer, Agiripalli.

However, in the counter-affidavit filed by the 5th respondent, it is stated that no such complaint was received on 7-6-2004 or any other date. It is also stated that if a fresh complaint is made by the petitioner, the same will be registered and the necessary action will be taken.

The learned Counsel for the petitioner while placing, before this Court, a copy of the representation dated 7-6-2004 which bears the endorsement made by the Mandal Revenue Officer, Agiripalli, forwarding the said complaint to the Station House Officer, Agiripalli P.S. for necessary action, contends that the version of the respondents in the counter-affidavit is incorrect. I find force in the contention of the learned Counsel for the petitioner since it is clear from the copy of the representation filed at page-12 of the material papers that the complaint filed by the petitioner dated 7-6-2004 was forwarded by the Mandal Revenue Officer, Agiripalli to the Station House Officer, Agiripalli.

In the circumstances, the writ petition is disposed of with a direction to the fifth respondent – Station House Officer, Agiripalli P.S. to consider the complaint lodged by the petitioner dated 7-6-2004 and to take appropriate action in accordance with law for investigating the complaint expeditiously if he is satisfied that a cognizable offence is made out. No costs.

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03rd November, 2004.

Gbs

To

1 The Joint Collector of Krishna District, Chilakalapudi, Machilipatnam.
2 The Superintendent of Police, Krishna District, Machilipatnam.
3 The Deputy Superintendent of Police, Nuzividu, Krishna District.
4 The Circle Inspector, Hanuman Junction, Krishna District.
5 The Sub-Inspector of Police, Agiripalli P.S., Agiripalli, Krishna District.

6.2CCs to G.P. for Home, High Court of AP, Hyderabad.(OUT).

7.2CD copies